

REMARKS

Applicants cancel claims 1, 3, 6, and 9. Claims 2, 4, 7-8, 10, and 14 have previously been canceled. Claims 5 and 11-13 remain pending in the application. Applicants amend claim 5 to incorporate features that correspond to those of claim 6 and for further clarification. No new matter has been added.

Applicants, again, acknowledge with appreciation the Examiner's allowance of claims 11-13.

Claims 1 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application Publication No. EP 0786890 to Suzuki in view of U.S. Patent No. 5,555,268 to Fattouche et al.; claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki and Fattouche et al., and further in view of U.S. Patent No. 6,347,220 to Tanaka et al.; and claims 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") in view of Fattouche et al. Applicants cancel claims 1, 3, 6, and 9, and amend claim 5 to incorporate features that correspond to those of claim 6 and in a good faith effort to further clarify the invention as distinguished from the cited references. Applicants respectfully traverse the rejection of claim 5.

In rejecting claims 5-6, the Examiner relied upon Figs. 16 and 20-21, and their corresponding description in the specification, as AAPA that allegedly suggests the claimed "same subcarrier" features, and relied upon Fattouche et al. as a combining reference that allegedly suggests assigning plural different orthogonal codes to each user. The cited portions of the application relied upon as AAPA only describe, however, respective subcarriers for different users that are incidentally code-multiplexed onto one another, and the corresponding effects of fading sustained by the different users in such a case. As such, the cited portions of "AAPA" do not disclose or suggest the claimed features of assigning the

same subcarriers selected from among multicarriers to a plurality of users and applying identical transmit beam-forming processing to the transmit data of the plurality of users that belong to a same directional zone and to which the same subcarriers have been assigned.

Thus, AAPA and Fattouche et al., as cited and relied upon by the Examiner, fail to disclose or suggest,

“[a] multicarrier transmission method for multiplying transmit data individually by each code constituting orthogonal codes and transmitting each result of multiplication by a prescribed subcarrier, comprising the steps of:

assigning the same subcarriers selected from among multicarriers to a plurality of users *and* assigning plural different orthogonal codes to each user;

applying identical transmit beam-forming processing to the transmit data of said plurality of users, which belong to a same directional zone and to which the same subcarriers have been assigned; and

transmitting the beam-formed data of each user obtained by the beam-forming processing by performing code multiplexing using said plural different orthogonal codes on the same subcarriers,” as recited in claim 5. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 5 is patentable over Fattouche et al. and AAPA, separately and in combination, for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

Dexter T. Chang

Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

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